

Reply to Office Action dated December 24, 2009

REMARKS

Claims 10, 12, 68 and 71-72 are pending in this application. By this Amendment, claims 10 and 68 are amended. Various amendments may be made for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects claims 10, 12, 68 and 71-72 under 35 U.S.C. §112, second paragraph. The Office Action (on page 3) asserts that the claims do not state what action occurs if a particular condition is not present. Applicants respectfully disagree as the claims positively recite features that occur based on respective determination. For example, independent claim 10 recites “determining whether or not the ordered tangible product belongs to a previously established error list in the database server when it is determined that there is the order for the tangible product purchase.” Independent claim 10 further recites “determining whether or not there is the order for the tangible product purchase from one of the dealing companies when it is determined that there is not the order for the tangible product purchase.” Thus, the claim does positively recite an action

Reply to Office Action dated December 24, 2009

that occurs based on particular conditions. The claims are definite. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 10 and 12 under 35 U.S.C. §103(a) over U.S. Patent 6,324,522 to Peterson et al. (hereafter Peterson) in view of U.S. Patent 6,963,849 to Chaturvedi et al. (hereafter Chaturvedi), U.S. Patent 7,191,142 to Sandell et al. (hereafter Sandell) and newly-cited U.S. Patent Publication 2008/0133384 to Nagata. The Office Action also rejects claim 68 under 35 U.S.C. §103(a) over Peterson in view of Sandell and Nagata. Still further, the Office Action rejects claims 71-72 under 35 U.S.C. §103(a) over Peterson in view of Chaturvedi, Sandell and U.S. Patent Publication 2002/0042756 to Kumar et al. (hereafter Kumar). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 10 recites determining whether or not there is the order for the tangible product purchase from one of the dealing companies, determining whether or not the ordered tangible product belongs to a previously established error list in the database server when it is determined that there is the order for the tangible product purchase, and determining whether or not there is the order for the tangible product purchase from one of the dealing companies when it is determined that there is not the order for the tangible product purchase. Independent claim 10 also recites temporarily suspending next operations and notifying the error to a user when it is determined that the ordered

tangible product belongs to the previously established error list, and confirming the order for the tangible product purchase when it is determined that the ordered tangible product does not belong to the previously established error list, determining whether or not the error is cured. Independent claim 10 also recites confirming the order for the tangible product purchase when the error is determined to be cured, and suspending the next operations temporarily and notifying the error to the user when the error is determined to not be cured. Still further, independent claim 10 recites that the order control server generates an order sheet for a divisional shipment so that quantity of the ordered tangible product is able to make a divisional shipment on each shipment-available date, when confirming the order for the tangible product purchase.

The applied references do not teach or suggest at least these features of independent claim 10. More specifically, the applied references do not teach or suggest that the order control server generates an order sheet for a divisional shipment so that quantity of the ordered tangible product is able to make a divisional shipment on each a shipment-available date, when confirming the order for the tangible product purchase, as recited in independent claim 10. Thus, independent claim 10 defines patentable subject matter.

Independent claim 68 recites an order control server that sequentially controls operations of: determining whether or not there is an order for the tangible product purchase from one of the dealing companies, determining whether or not the ordered

Reply to Office Action dated December 24, 2009

tangible product belongs to a previously established error list in the database server when it is determined that there is an order for the tangible product purchase, and determining whether or not there is the order for the tangible product purchase from one of the dealing companies when it is determined that there is not the order for the tangible product purchase. Independent claim 68 also recites temporarily suspending next operations and notifying the error to a user when the ordered tangible product is determined to belong to the previously established error list, and confirming the order for the tangible product purchase when the ordered tangible product is determined to not belong to the previously established error list. Independent claim 68 further recites determining whether or not the error is cured, and confirming the order for the tangible product purchase when the error is determined to be cured, and suspending the next operations temporarily and notifying the error to the user when the error is determined to not be cured. Independent claim 68 also recites that the order control server generates an order sheet for a divisional shipment so that quantity of the ordered tangible product is able to make a divisional shipment on each shipment-available date, when confirming the order for the tangible product purchase.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 68. More specifically, the applied references do not teach or suggest that the order control server generates an order sheet

Reply to Office Action dated December 24, 2009

for a divisional shipment so that quantity of the ordered tangible product is able to make a divisional shipment on each shipment-available date, when confirming the order for the tangible product purchase. Thus, independent claim 68 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 10 and 68 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 10, 12, 68 and 71-72 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of

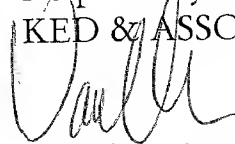
Serial No. 09/998,412

Docket No. K-0345

Reply to Office Action dated December 24, 2009

this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



David C. Oren

Registration No. 38,694

P.O. Box 221200

Chantilly, Virginia 20153-1200

(703) 766-3777 DCO/kah

Date: March 17, 2010

Please direct all correspondence to Customer Number 34610